

## § 271.25

cited in Table 1 in § 271.1 expires on August 30, 2004 if the State has not submitted an application for final authorization.

[57 FR 60132, Dec. 18, 1992, as amended at 67 FR 3029, Jan. 22, 2002]

### § 271.25 HSWA requirements.

Unless otherwise provided in part 271, the State program shall have standards at least as stringent as the requirements and prohibitions that have taken effect under the Hazardous and Solid Waste Amendments of 1984 (HSWA).

[51 FR 33723, Sept. 22, 1986]

### § 271.26 Requirements for used oil management.

The State shall have standards for used oil management which are equivalent to 40 CFR part 279. These standards shall include:

(a) Standards for used oil generators which are equivalent to those under subpart C of part 279 of this chapter;

(b) Standards for used oil collection centers and aggregation points which are equivalent to those under subpart D of part 279 of this chapter;

(c) Standards for used oil transporters and transfer facilities which are equivalent to those under subpart E of part 279 of this chapter;

(d) Standards for used oil processors and re-refiners which are equivalent to those under subpart F of part 279 of this chapter;

(e) Standards for used oil burners who burn off-specification used oil for energy recovery which are equivalent to those under subpart G of part 279 of this chapter;

(f) Standards for used oil fuel marketers which are equivalent to those under subpart H of part 279 of this chapter; and

(g) Standards for use as a dust suppressant and disposal of used oil which are equivalent to those under subpart I of part 279 of this chapter. A State may petition (e.g., as part of its authorization petition submitted to EPA under § 271.5) EPA to allow the use of used oil (that is not mixed with hazardous waste and does not exhibit a characteristic other than ignitability) as a dust suppressant. The State must show

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that it has a program in place to prevent the use of used oil/hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant. In addition, such programs must minimize the impacts of use as a dust suppressant on the environment.

(h)(1) Unless otherwise provided in part 271, state programs shall have standards for the marketing and burning of used oil for energy recovery that are at least as stringent as the requirements and prohibitions that EPA adopted on November 29, in 40 CFR part 266, subpart E of this chapter. The part 279 of this chapter requirements specified in Table 1 (except those provisions identified in footnotes 1 and 2 of Table 1) are Federally enforceable in those states that have not adopted state requirements equivalent to 40 CFR part 279, subparts G and H of this chapter requirements and have not been authorized to enforce the state requirements.

TABLE 1—REGULATIONS ADOPTED NOVEMBER 29, 1985 REGARDING THE BURNING OF USED OIL FOR ENERGY RECOVERY

[These part 279 provisions will continue to be enforced by EPA]

Former provisions of 40 CFR part 266, subpart E (1992)	Recodified provisions within 40 CFR part 279
Sec. 266.40(a) .....	Sec. 279.60(a)
Sec. 266.40(b) .....	Sec. 279.1 <sup>1</sup>
Sec. 266.40(c) [rebuttable presumption].	Sec. 279.63(a), (b) and (c) <sup>2</sup>
Sec. 266.40(d)(1) and (2) .....	Sec. 279.10(b)(2) and (3)
Sec. 266.40(e) .....	Sec. 279.11
	Sec. 279.60(c)
Sec. 266.41(a)(1) and (2) .....	Sec. 279.71
266.41(b)(1) and (2) .....	Sec. 279.61(a)
	279.23(a)
Sec. 266.42(a) .....	Sec. 279.60(a)
Sec. 266.42(b) .....	Sec. 279.70(a)
Sec. 266.42(c) .....	Sec. 279.60(a)
Sec. 266.43(a)(1) .....	Sec. 279.70(a) and (b)(1)
Sec. 266.43(a)(2) .....	Sec. 279.70(b)(2)
Sec. 266.43(b)(1) .....	Sec. 279.72(a)
Sec. 266.43(b)(2) .....	Sec. 279.71
Sec. 266.43(b)(3) .....	Sec. 279.73(a)
Sec. 266.43(b)(4)(i-v) .....	Sec. 279.74(a)
Sec. 266.43(b)(4)(vi) .....	not included
Sec. 266.43(b)(5)(i) and (ii) ...	Sec. 279.75(a)
Sec. 266.43(b)(6)(i) .....	Sec. 279.74(b) and (c)
	279.72(b)
Sec. 266.43(b)(6)(ii) .....	Sec. 279.74(a)
	Sec. 279.75(b)
Sec. 266.44(a) .....	Sec. 279.61(a)
	Sec. 279.23(a)
Sec. 266.44(b) .....	Sec. 279.62(a)
Sec. 266.44(c) .....	Sec. 279.66(a)
Sec. 266.44(d) .....	Sec. 279.72(a)
Sec. 266.44(e) .....	Sec. 279.65(a) and (b)
	Sec. 279.66(b)